HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.28710 of 1998

Date: December 11, 2007

Between:
B. Ashok. … Petitioner

And

1. The Member Secretary,
   A.P.S.E.B, Vidyut Soudha,
   Khairatabad, Hyderabad
   and 3 others. … Respondents

* * *

ORDER:

This writ petition has been instituted seeking directions to the respondents to appoint the petitioner on compassionate grounds against any of the suitable posts in the Respondents' Board.

2. The petitioner claimed that he is the son of one Sri B. Ramachander, who died while working as Assistant Store Keeper with the former APSEB, on 23.10.1990. He solicited employment on compassionate grounds, as there is no other earning member to support the family in distress. His application was not taken up for consideration, as the respondents had received parallel claims from two separate individuals each claiming to be legally wedded wife of the deceased Ramachander. In those set of circumstances, the parties were advised to furnish succession certificate from a competent authority to enable the terminal benefits of Ramachander to be processed and paid. In those set of circumstances Smt. B. Shanthamma has filed O.P.No.1 of 1991 on the file of District Munsif at Banswada. Ultimately, a compromise has been effected and consequent to the compromise, the said O.P. has been disposed of on

24th July 1995. On the strength and basis of this decree in O.P.No.1 of 1991, the petitioner asserts that his claim should be considered for compassionate appointment.

3. There is also a further infirmity coming in the way of consideration of the case of the petitioner by the respondents, in that, in the X Class certificate the name of the father of the petitioner has been described as B. Durgaiah. Therefore, the respondents have a genuine doubt as to why they should consider his case for appointment on compassionate grounds upon the death of B. Ramachander. Then, writ petitioner has produced a Gazette Notification dated September 11 1997 effecting change of the name of the father of the petitioner as Ramachander in place of Durgaiah in his X Class record.

4. Admittedly, the petitioner was born on 10th March 1970, as is apparent from the X Class certificate produced before me by the learned counsel for the petitioner. Whereas, the Gram Panchayat has certified that Shanthamma married the deceased Ramachander on 17.02.1978. All these factors cumulatively led respondents not to consider the case of the writ petitioner as a genuine one. The respondents also feel that the family of the deceased Ramachander could survive on its own for a number of years and hence it does not reflect the conditions of penury in which they were living and consequently it is not one of those cases where compassion has got to be shown towards the cause of the petitioner.

5. I cannot find fault with the action of the respondents in not considering the claims of the writ petitioner and consequently the present writ petition is dismissed, but, however without costs.

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(NOOTY RAMAMOHANA RAO, J)

Date: December 11, 2007.
BSB